

**Final Draft: Guidance for TMDL Implementation Plan Development for Urban/Rural Residential Land
Uses within the Coastal Nonpoint Management Area (June 2012)**

EPA/NOAA Comments July 2012

General Comments:

- The way the material is presented in the current draft remains confusing, particularly with regard to what is required for TMDL Implementation plans for urban/rural residential DMAs within the Coastal Nonpoint Management Area. Some statements include “must/required” language regarding stormwater management controls while others include “recommended” language.
- The CZARA new development measure pertains only to reducing post-development TSS loadings by 80% or reducing TSS loadings so that the average annual TSS loads are no greater than predevelopment loadings and maintaining post-development peak runoff rate and average volume to pre-development levels. It does not include riparian protection or erosion and sediment control BMPs which are also listed among the recommended BMPs for addressing the new development MM in the narrative and in Table 2 (pg. 16) in this document. Therefore, the sections and table that discuss the recommended BMPs for meeting the CZARA new development MM requirements need to be revised accordingly. Also reference the appropriate appendices¹
- Since the targeted audience for this document is DMAs and they do not need to know the specifics of this MM, you could remove Section 1.5.2.3 CZARA Section 6217 (pp 14-16) out of this document and make a separate document that includes Section 1.5.2.3 CZARA Section 6217 and the appendices or appropriate parts of the appendices pertaining to this management measure (or reference them). This document could be provided to EPA/NOAA as a way to document Oregon’s addressing this MM. Alternatively, you could include Section 1.5.2.3 CZARA Section 6217 (pp 14-16) and all appendices¹ pertaining to this MM as one appendix. Both of these alternatives may make this document less confusing for the DMAs.
- The document needs to make it clear that Oregon DEQ has authority to require implementation of the new development MMs. If implementation of stormwater control measures to address the 6217 new development MM is optional and Oregon DEQ has no way of requiring implementation of the new development MMs, then we are not sure whether this “guidance document” will satisfy the new development MM and will need to discuss this further.

¹The appendices that could pertain to this measure include: Appendix A--Coastal Nonpoint Management Area Boundary DEQ Basin Coordinators; Appendix C--TMDLs and 303(d) Listed Pollutants by Waterbody for Urban/Rural Residential DMAs within the Coastal Nonpoint Management Area; Appendix G--Recommended Programmatic BMPs by TMDL Listed Pollutant and Source (only for BMPs that will result in reductions of in TSS or reductions in post development peak runoff rates and average volume to levels similar to pre-development levels); Appendix H--Recommended Structural BMPs by TMDL Listed Pollutant, Source, Estimated Load Reduction and Costs (only for BMPs that will result in reductions of in TSS or reductions in post development peak runoff rates and average volume to levels similar to pre-development levels);

Appendix N & O--Examples of Stormwater Management Ordinance, Model Post Construction Stormwater Runoff Control Ordinance; and the appropriate BMPs for this measure under Appendix P--Implementation and Effectiveness Monitoring by Pollutant.

- Please make sure you are describing the CZARA Section 6217 correctly throughout the document. The program is jointly administered by NOAA and EPA (not just NOAA) as is authorized under CZARA (not the CZMA).
- This draft would greatly benefit from a thorough review by a copy editor to clean up typos, clarify/tighten writing (plain language preferred), and remove redundancies (many concepts and information seem to be repeated multiple times in the document). As currently written, some sections remain awkwardly worded, which prevents the document from being as helpful to DMAs as it could be.

Specific Comments:

- Pg. 1 Item 1b should read: "National Coastal Nonpoint Pollution Control Program requirements under Section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA)" (or something similar). Note that CZARA is administered by NOAA and EPA and is authorized under CZARA, not the CZMA. If you would like, you could also include the formal citation (16 U.S.C. §1455b).
- Pg. 1 Item 2 should be revised from "...that will result in improving and achieving .water quality standards" to ".,.,.,that will result in improving water quality and achieving water quality standards".
- Pg. 2 item 2 should be revised to delete "and identifiable..." as it is not needed
- Pg. 4: Reword the following text: "This section of the Guidance also provides the fundamentals of and relationship between the NPDES MS4 NPDES Permitting and other key programs and mechanisms that DEQ is using to address the CZARA 6217 New Development Management Measure of meeting Total Suspended Solids (TSS) and pre-development hydrology volume reduction measures." Suggested rewording: "This section of the Guidance also provides information on how the NPDES MS4 permitting program and other key programs and mechanisms are being used to help address the CZARA 6217 New Development Management Measure."
- Pg. 4 (purple inset box): What are you referring to by "these"? ("By including these stormwater management requirements...."). NOAA and EPA assume you mean the CZARA new development MM and NPDES Phase I & II requirements, but it's not entirely clear.
- Pg. 4 under 1.3.2: Please provide a definition of "implementation-ready TMDLs" or provide a reference to where a definition can be found. Please also clarify that the new development MM pertains only to reducing post construction impacts.

- Pg 5: Revise the description of Section 1 to something like “Overview of Program Specific and TMDL Implementation Plan Requirements”
- Pg. 5 (2nd paragraph under 1.4): Last sentence states that DMAs must identify stormwater control measures using voluntary and regulatory approaches in their TMDL Implementation Plan. This is good but could be stronger by specifically stating “stormwater control measures consistent with the CZARA 6217 new development management measure.”
- Pg. 6 (italicized sentence after inset box): NOAA and EPA are confused by this statement: “This is guidance and it is the responsibility of each DMA to determine how best to comply with state and federal regulations.” This statement appears to conflict with the sentence noted above on pg 5 that says DMAs “must identify stormwater control measures” and many following statements that also include “must” or “require” language. For example, the statement appears to conflict with the second paragraph under 1.4.1 TMDL Program which states: “DEQ has authority to develop TMDLs and require TMDL Implementation Plans from DMAs...” as well as the fifth paragraph which states: “[DMAs] are required to include adequate stormwater control measures that the address the CZARA 6217 New Development Management Measure in the TMDL Implementation Plan.” Please clarify which it is, as this is fundamental to Oregon’s strategy for implementing the new development MM. Does DEQ only have the authority to require TMDL Implementation Plans but not their content? That’s not what NOAA and EPA understood from previous conversations or from the statement the fifth paragraph makes. The statement in the fifth paragraph is in line with EPA and NOAA’s understanding of Oregon’s intent, but the bold italicized sentence proceeding it calls its validity to question and is likely to generate significant confusion for DMAs who are trying to comply with this guidance. Are Urban DMA Implementation plans within the 6217 management area required to include stormwater control measures to address the 6217 new development MM or is this optional? If optional and if Oregon DEQ has no way of requiring implementation of the new development MMs then this “guidance document” is not likely to satisfy the new development MM and Oregon should discuss this strategy further with NOAA and EPA. Oregon needs to make sure its statements regarding the stormwater requirements are clear and consistent throughout. Also, please remember CZARA is a federal act, and not a regulation, so if by “regulations” in the bold italicized sentence Oregon is implying CZARA, this is not an appropriate reference.
- Pg. 9 (1.5.2): Unless this guidance is meant to compel implementation of all 6217 management measures, please rephrase the first bullet from “Must meet all TMDL rule and CZARA 6217 elements” to “Must meet all TMDL rule and CZARA 6217 new development management measure requirements.” Pg. 10: Explain how implementation-ready TMDL differs with respect to what is expected from the DMAs during and TMDL development. Do the process and due dates described under 1.5.1 apply to both regular TMDLs and implementation-ready TMDLs?
- Pg. 12 (1.5.2.2): The 3rd paragraph adds to the confusion as to what DMAs actually need to include in their Implementation Plans as it conflicts with some of the previous statements (noted above). This paragraph notes: “the TMDL Implementation plan is recommended to

identify BMPs for a comprehensive stormwater (water quality and quantity) management program....” (emphasis added). NOAA and EPA were under the impression that Oregon’s TMDLs Implementation Plans are required to include adequate stormwater control measures to address CZARA 6217 new development.

- Pg. 12 (1.5.2.2, 4th paragraph): BMPs for post-construction stormwater management for new and redevelopment are the only appropriate BMPs to address the 6217 new development MM. The other recommended BMPs, including erosion and sediment control, may address other CZARA MMs, but are not appropriate for meeting new development MM requirements.
- Pg. 14 (1.5.2.3, 1st paragraph): Again, use caution when describing the CZARA program. It is jointly administered by NOAA and EPA and is not under the CZMA. Revise the first sentence to simply read: “CZARA Section 6217 requires 15 urban management measures....”
- Pg. 14 (1.5.2.3, 2nd paragraph): Remove this entire paragraph since it is not needed and contains time sensitive information that may become outdated in the near future.
- Pg. 14 (1.5.2.3, 3rd paragraph): Again, please remove the potential for confusion by moving back and forth between “required” and “recommended” language. See in particular: “These measures [6217 new development measures] are recommended to be met by the ... DMAs...”
- Pg. 14 (1.5.2.3, Recommended Measures): As noted in a comment for Pg. 12, only the TSS measure, Post-Construction Stormwater Runoff, and Pre-Development Hydrology measure BMPs are appropriate for meeting the CZARA new development requirements. While the other recommended BMPs may be useful to include in the guidance, they should not be presented as BMPs that would enable the DMA or the State to meet the new development MM requirement. In addition, for CZARA purposes, NOAA and EPA have already exempted all states from separately meeting the erosion and sediment control requirements since that is being met through the NPDES Phase II Construction Stormwater Control Permit requirements. Therefore, please remove the riparian protection ordinance and erosion and sediment control model ordinance from this section and clarify which model ordinances apply to TSS measure (post construction new development MM).
- Pg. 18 (1.5.2.4, Pollution Prevention/Good Housekeeping): 1st paragraph states that “...DMAs not covered under a MS4 permit must include in the TMDL Implementation plan, stormwater control measures using voluntary and regulatory approaches.” Again, this adds to confusion because the “must” language is used here. Also, Oregon reiterates this concept multiple times already (although not consistently). It may help to avoid confusion if the State picks ONE place to clearly and decisively state what DMA Implementation plans must include regarding stormwater control rather than repeat this multiple times throughout the document. This should also provide much-needed consistency to this guidance.

The paragraph goes on to explain that if DMAs do not use regulatory controls, they must provide reasonable explanation that similar or greater protection is expected through voluntary

approaches and they must specify how they will measure effectiveness and put in place provisions if the voluntary measures do not work. While this approach will meet the new development MM, the stormwater discussion and requirements are scattered throughout the guidance. To reiterate, it would be much more useful to DMAs if all the requirements related to stormwater are captured in one clearly-labeled section so that DMAs will not need to hunt throughout the document. This will also reduce the opportunity for the DMAs to overlook these requirements.

Pg. 20: Under Table 4, in the first requirement under CZARA, add the following language at the end: “or reduce the postdevelopment loadings of TSS so that the average annual TSS loadings are no greater than predevelopment loadings.” It should also be clear that these requirement are to be met “by design or performance.” Also, at the beginning of the second bullet, add “To the extent practicable, “ to “Maintain post-development peak runoff rate and average volume at levels that are similar to predevelopment levels.”

- Pg. 25 2.1.4. & Pg. 115 3. Reasonable Assurance: Reasonable assurance (RA) means that when a TMDL is developed for waters impaired by both point and nonpoint sources (NPS), and the WLA is based on an assumption that NPS load reductions will occur, the TMDL should provide reasonable assurances that NPS control measures will achieve expected load reductions. EPA recommends the following elements in demonstrating reasonable assurance:
 1. **Quantification of LA and WLA:** Does the TMDL clearly describe the analytical process used for calculating both the LA and the WLA(s)? In particular, for the LA, does the TMDL explain the process used to estimate the current NPS load by sector, and the assumptions that were applied to estimate the expected NPS reductions by sector (e.g., type of BMPs, how many will be applied, their pollutant reduction efficiencies, etc.). For the WLAs, does the TMDL assign specific allocations to individual or categories of sources and explain the extent to which those WLAs are expected to be implemented in permits?
 2. **Linkage of WLA to LA:** A fundamental statutory and regulatory principle of TMDLs is that the aggregate sum of the WLAs, when added to the aggregate sum of the LAs, must not exceed the assimilative capacity of the water body. Are the assumptions regarding how the WLA was calculated clearly explained? For example, is there a discussion of whether the WLA was based on the assumption that the LA would be achieved over time based on a schedule of NPS implementation, achievement of milestone measures, etc? Does the TMDL include an “assumption” that a permit based on a WLA might be reopened to include a more stringent WQBEL if attainment of nonpoint source load allocations was not achieved consistent with the TMDL’s reasonable assurance assumptions?
 3. **Discussions of schedule and milestones to achieve LA:** It is difficult to ensure, a priori, that implementing nonpoint source controls will achieve expected load reductions. Nonpoint source control measures may fail to achieve projected pollution load reductions due to inadequate selection of BMPs (practices not applicable to a particular watershed), inadequate design or implementation, or lack of full participation by all contributing sources of nonpoint pollution. Does the TMDL provide an overall schedule for implementation of nonpoint source controls along with an adaptive management procedure for reviewing key milestone progress and revising BMPs, if necessary, to meet the TMDL target loads?
 4. Discussion of monitoring and tracking approach to evaluate progress: The key objective for documenting load reduction goals and review procedures is to establish a rational procedure

for site-specific evaluation of waterbodies with significant nonpoint source pollution loads. Does the TMDL indicate that the State is prepared to develop and implement a monitoring and reduction tracking system in order to facilitate adjustments to the initial set of BMP assumptions and to track the progress of NPS control implementation?

5. Discussion of follow-up actions: Does the TMDL describe potential follow-up actions under state, local, or federal law, e.g., possibility of more stringent permit limits or more effective NPS controls, and when they would occur, if there is insufficient progress in the expected NPS control implementation?

- Pg. 27 under 2.1.8: Include a description of adaptive management. Consider this one from Washington Department of Ecology: “Natural systems are complex and dynamic. The way a system will respond to human management activities is often unknown and can only be described as probabilities or possibilities. Adaptive management involves testing, monitoring, evaluating applied strategies, and incorporating new knowledge into management approaches that are based on scientific findings. In the case of TMDLs, adaptive management is used to assess whether the actions identified as necessary to solve the identified pollution problems are the correct ones and whether they are working. Adaptive management allows us to fine-tune our actions to make them more effective, and to try new strategies if we have evidence that a new approach could help us to achieve compliance. Partners will work together to monitor progress towards these goals, evaluate successes, obstacles, and changing needs, and make adjustments to the implementation strategy as needed.”
- Pg. 29 under 2.2.1 and 2.2.4.2 & pg. 123: Are DMAs “expected” or “required” to implement and review/revise the implementation plan every 5 years? If it is “required”, as suggested in the third paragraph on pg. 30 and on pg. 123 under 5-Year Implementation Plan Review, then make it clear that the DMAs are “required” to...
- Pg. 30 under “Step 5”: Define Class II violation.
- Pg. 33: Be sure to include monitoring to track progress toward meeting water quality standards.
- Pp 35-37 & pp 59-61 information provided on these pages is identical. Figure 4 (pg. 13) & Figure 15 (pg. 65) are the same and similar information is provided on pg. 12 and pp 63-64.
- Pg. 76 (3.11.2.3, Ordinances Recommended to Meet CZARA New Development MMs): Only the Post-Construction Stormwater ordinance is appropriate for meeting the CZARA new development requirements. The other ordinances satisfy other CZARA MM requirements, but not those for new development and should therefore be removed from the list.
- Pg. 81 Table 12: Column titled “CZARA Measure and TMDL Listed Pollutant” is misleading as what is under this column is not CZARA measures and in some cases such as “hydrology” not a TMDL listed pollutant. Perhaps a better title for this table would be “Impairment”.
- Pg. 121 under Performance Monitoring: Where is monitoring to track progress towards meeting water quality standards shown?

- Pg. 151 (Appendix F): Many of Oregon's waterbodies are listed for temperature impairments, but this list of BMPs does not include BMPs to address temperature. NOAA and EPA recommend that Oregon include BMPs to address temperature impacts.
- Pg. 160 (and others as appropriate, Appendix G): Adopting a stormwater ordinance is a good performance BMP, but the ordinance should not just be to maintain runoff volumes approximately the same as pre-development rates, but also to control TSS (80% reduction per 6217 (g) measure requirements).
- Appendix G & H: "Hydrology Volume Reduction" is not a TMDL listed pollutant. Perhaps it would be better to label this column "Impairment" as it includes both pollutants (temperature) and pollution (hydrology)
- Pg. 164 (Appendix G): Adopting stormwater controls consistent with (g) guidance is needed for all DMAs in the 6217 management area. So, why is adopting a stormwater control ordinance that controls water quality and sediment included only as a recommended BMP for controlling sediment? Shouldn't it be a recommended BMP for all pollutants? Developing a stormwater management plan as described in this appendix is not sufficient. NOAA and EPA prefer that Oregon state that the plan requires specific actions to control and treat sediment-laden runoff from new and redevelopment consistent with the (g) guidance.
- Pg. 233 (Appendix O): Please rewrite the lead-in paragraph to remove the limitation of this model ordinance just to communities that need to meet NPDES requirements. Since all DMAs need to include stormwater controls in their Implementation Plans, this ordinance would be useful for all DMAs within the 6217 management area, regardless of whether or not they have to comply with NPDES regulations.

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EPA/NOAA Comments July 2012

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Comment [Don1]: I'm not a fan of adding footnotes to these comments. Suggest we make the footnote its own comment.

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TMDL Listed Pollutant, Source, Estimated Load Reduction and Costs (only for BMPs that will result in reductions of in TSS or reductions in post development peak runoff rates and average volume to levels similar to pre-development levels); Appendix N & O--Examples of Stormwater Management Ordinance, Model Post Construction Stormwater Runoff Control Ordinance; and the appropriate BMPs for this measure under Appendix P--Implementation and Effectiveness Monitoring by Pollutant.

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- Pg. 2 item 2 should be revised to delete “and identifiable...” as it is not needed (and makes little sense in this content)
- Pg. 4: Is the only reason for including NPDES MS4 permitting programs, UIC and other programs just to meet the new development MMs? If not, then may want to provide a better explanation on why the other programs are included. Also delete one of the “NPDES” words under “...NPDES MS4 NPDES Permitting...” Should this document cover the other stormwater permitting programs such as construction or industrial? Reword the following text: “This section of the Guidance also provides the fundamentals of and relationship between the NPDES MS4 NPDES Permitting and other key programs and mechanisms that DEQ is using to address the CZARA 6217 New Development Management Measure of meeting Total Suspended Solids (TSS) and pre-development hydrology volume reduction measures.” Suggested rewording: “This section of the Guidance also provides information on how the NPDES MS4 permitting program and other key programs and mechanisms are being used to help address the CZARA 6217 New Development Management Measure.”

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- Page 17: Should this document address construction stormwater permits?

Comment [Don2]: I'm fine with p. 17. Construction Stormwater permits are not discussed on this page. The only mention of construction on this page is with regard to the 4th minimum control measure required under the NPDES Phase II Stormwater Permit, which is primarily overlaps with the New Dvpt MM.

- Pg. 18 (1.5.2.4, Pollution Prevention/Good Housekeeping): —1st paragraph states that "...DMAs not covered under a MS4 permit must include in the TMDL Implementation plan, stormwater control measures using voluntary and regulatory approaches." Again, this adds to confusion because the "must" language is used here. Also, you've Oregon reiterated~~ed~~ this concept multiple times already (although not consistently). It may help to avoid confusion if you the State picks ONE place to clearly and decisively state what DMA Implementation plans must include regarding stormwater control rather than repeat yourself this multiple times throughout the document. This should also provide much-needed consistency to this guidance.

The paragraph goes on to explain that if DMAs do not use regulatory controls, they must provide reasonable explanation that similar or greater protection is expected through voluntary approaches and they must specify how they will measure effectiveness and put in place provisions if the voluntary measures do not work. This is excellent! However While this approach will meet the new development MM, the stormwater discussion and requirements(?) are dribbled out scattered throughout the document guidance. To reiterate, it would be much more useful to DMAs if all the requirements related to stormwater are captured clearly in one clearly-labeled section and not presented in dribs and drabs so that DMAs will not need have to hunt for throughout the document. This will also reduce the opportunity for the DMAs to (which has a much higher likelihood of being overlooked) these requirements.

PagePg. 20: Under Table 4, under in the first requirement under CZARA, add the following language to at the end: "or reduce the postdevelopment loadings of TSS so that the average annual TSS loadings are no greater than predevelopment loadings." It should also be clear that these requirement are to be met "by design or performance." Also, at the beginning of the second bullet, add "To the extent practicable, " to "Maintain post-development peak runoff rate and average volume at levels that are similar to predevelopment levels." Also should be clear that these requirements only address the new development MM (post construction).

- Pg. 25 2.1.4. & Pg. 115 3. Reasonable Assurance: Reasonable assurance (RA) means that when a TMDL is developed for waters impaired by both point and nonpoint sources (NPS), and the WLA is based on an assumption that NPS load reductions will occur, the TMDL should provide reasonable assurances that NPS control measures will achieve expected load reductions. EPA recommends the following elements in demonstrating reasonable assurance:

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1. **Quantification of LA and WLA:** Does the TMDL clearly describe the analytical process used for calculating both the LA and the WLA(s)? In particular, for the LA, does the TMDL explain the process used to estimate the current NPS load by sector, and the assumptions that were applied to estimate the expected NPS reductions by sector (e.g., type of BMPs, how many will be applied, their pollutant reduction efficiencies, etc.). For the WLAs, does the TMDL assign specific allocations to individual or categories of sources and explain the extent to which those WLAs are expected to be implemented in permits?

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2. **Linkage of WLA to LA:** A fundamental statutory and regulatory principle of TMDLs is that the aggregate sum of the WLAs, when added to the aggregate sum of the LAs, must not exceed the assimilative capacity of the water body. Are the assumptions regarding how the WLA was calculated clearly explained? For example, is there a discussion of whether the WLA was based on the assumption that the LA would be achieved over time based on a schedule of NPS implementation, achievement of milestone measures, etc? Does the TMDL include an "assumption" that a permit based on a WLA might be reopened to include a more stringent WQBEL if attainment of nonpoint source load allocations was not achieved consistent with the TMDL's reasonable assurance assumptions?

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3. **Discussions of schedule and milestones to achieve LA:** It is difficult to ensure, a priori, that implementing nonpoint source controls will achieve expected load reductions. Nonpoint source control measures may fail to achieve projected pollution load reductions due to inadequate selection of BMPs (practices not applicable to a particular watershed), inadequate design or implementation, or lack of full participation by all contributing sources of nonpoint pollution. Does the TMDL provide an overall schedule for implementation of nonpoint source controls along with an adaptive management procedure for reviewing key milestone progress and revising BMPs, if necessary, to meet the TMDL target loads?

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4. **Discussion of monitoring and tracking approach to evaluate progress:** The key objective for documenting load reduction goals and review procedures is to establish a rational procedure for site-specific evaluation of waterbodies with significant nonpoint source pollution loads. Does the TMDL indicate that the State is prepared to develop and implement a monitoring and reduction tracking system in order to facilitate adjustments to the initial set of BMP assumptions and to track the progress of NPS control implementation?

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5. **Discussion of follow-up actions:** Does the TMDL describe potential follow-up actions under state, local, or federal law, e.g., possibility of more stringent permit limits or more effective NPS controls, and when they would occur, if there is insufficient progress in the expected NPS control implementation?

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- Pg. 27 Under 2.1.8: Include a description/definition of adaptive management. Here is a definition Consider this one from Washington Department of Ecology: "Natural systems are complex and dynamic. The way a system will respond to human management activities is often unknown and can only be described as probabilities or possibilities. Adaptive management

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involves testing, monitoring, evaluating applied strategies, and incorporating new knowledge into management approaches that are based on scientific findings. In the case of TMDLs, adaptive management is used to assess whether the actions identified as necessary to solve the identified pollution problems are the correct ones and whether they are working. Adaptive management allows us to fine-tune our actions to make them more effective, and to try new strategies if we have evidence that a new approach could help us to achieve compliance. Partners will work together to monitor progress towards these goals, evaluate successes, obstacles, and changing needs, and make adjustments to the implementation strategy as needed."

- Pg. 29 under 2.2.1 and 2.2.4.2 & pPg. 123: Are DMAs "expected" or "required" to implement and review/revise the implementation plan every 5 years? If it is "required", as suggested in the third paragraph on pagepg. 30 and on pagepg. 123 under 5--Year Implementation Plan Review, then make it clear that the DMAs are "required" to...
- Pg. 30 under "Step 5": Define Class II violation.
- Pg. 33: Be sure to include monitoring to ~~determinetrack~~ progress toward meeting water quality standards.
- ~~Pgs~~Pp 35-37 & ~~pgs~~pp. 59-61 information provided on these pages is identical. Figure 4 (pagepg. 13) & Figure 15 (pagepg. 65) are the same and similar information is provided on pagespg. 12 and pp 63-64.
- Pg. 76 (3.11.2.3, Ordinances Recommended to Meet CZARA New Development MMs): —As noted above, although I'll defer to EPA, it's my understanding that ONLY Only the Post-Construction Stormwater ordinance ~~would be~~ appropriate for meeting the CZARA new development requirements. The other ordinances satisfy other CZARA MM requirements, but not those for new development and should therefore be removed from the list.
- Pg. 81 Table 12: Column titled "CZARA Measure and TMDL Listed Pollutant" is misleading as what is under this column is not CZARA measures and in some cases such as "hydrology" not a TMDL listed pollutant. Perhaps a better title for this table would be "Impairment".
- Pg. 121 under Performance Monitoring: ~~W~~where is monitoring to ~~determinetrack~~ progress towards meeting water quality standards shown?
- Pg. 151 (Appendix F): —Many of ~~the~~our Oregon's waterbodies are listed for temperature impairments, but this list of BMPs does not include BMPs to address temperature. ~~It would be very helpful if you also~~ NOAA and EPA recommend that Oregon include BMPs ~~that would be appropriate for~~ addressing temperature issuesimpacts.
- Pg. 160 (and others as appropriate, Appendix G): —Adopting a stormwater ordinance is a good performance BMP, but the ordinance should not just be to maintain runoff volumes

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~~approximately~~; the same as pre-development rates, but also to control TSS (80% reduction per 6217 (g) measure requirements).

- Appendix G & H: -“Hydrology Volume Reduction” is not a TMDL listed pollutant. Perhaps it would be better to label this column “Impairment” as it includes both pollutants (temperature) and pollution (hydrology)
- Pg. 164 (Appendix G): ~~— We thought A adopting stormwater controls consistent with (g) guidance were is needed for all DMAs in the 6217 management area. So, why, then, is adopting a stormwater control ordinance that controls water quality and sediment only included only as a recommended BMP for the pollutantcontrolling sSediment? Pollutant (sShouldn’t it be a recommended BMP for ALL all pollutants to be consistent with the statements made earlier in the document?)-~~ Developing a stormwater management~~gt~~ plan (as described in this appendix is not sufficient). NOAA and EPA prefer that Oregon state that if the plan includes requires specific actions to control and treat soil-sediment-laden runoff from new and redevelopment consistent with the (g) guidance, ~~that would be better.~~
- Pg. 233 (Appendix O): ~~— Please rewriteNot sure why the lead-in paragraph to remove the limitation of thishas to limit the model ordinance just to communities that need to meet NPDES requirements. Don’tSince thought all DMAs needed to include stormwater controls in their Implementation Plans, this ordinance would so wouldn’t it be a useful guidance for all DMAs within the 6217 management area, regardless of whether or not they have to comply with NPDES regulations. too?~~

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